

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JULIE HECK, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC. and AUDIBLE, INC.,

Defendants.

Case No.: 2:23-cv-01219-JHC

**ORDER RE: DEFENDANTS
AMAZON.COM, INC. AND AUDIBLE,
INC.'S MOTION TO STAY DISCOVERY
AND RELATED DEADLINES PENDING
DECISION ON DEFENDANTS' MOTION
TO DISMISS THE SECOND AMENDED
COMPLAINT**

THIS MATTER comes before the Court on Defendants Amazon.com, Inc. and Audible, Inc.'s Motion to Stay Discovery and Related Deadlines Pending Decision on Defendants' Motion to Dismiss the Second Amended Complaint. Dkt. # 83. The Court has reviewed the materials submitted in support of, and in opposition to, the motion; pertinent portions of the record, and the applicable law. Being fully advised, the Court RESERVES ruling on the motion.

The motion assumes that Defendants' motion to dismiss at Dkt. # 54, which was filed before this matter was transferred to this District, is pending before this Court. Dkt. # 83. So too does the response. Dkt. # 86. But it is not so pending. Indeed, after this matter was transferred to this District, the Clerk issued a letter stating, "If a motion is pending at the time of transfer, the moving party must then refile the motion in this Court and note it for consideration on the Court's calendar in accordance with LCR 7(d)." Dkt. # 66. Defendants did not do so. And thus, until quite recently, the Court was unaware of the motion to dismiss.

1 Nevertheless, as the motion to dismiss (Dkt. # 54) has been fully briefed, in the interest of
2 avoiding further expense to the parties, the Court DIRECTS the Clerk to note it for October 13,
3 2023. Likewise, the Court DIRECTS the Clerk to note the motion to stay, Dkt. # 83, for October
4 13, 2023.

5 Finally, in the interest of avoiding such a mess in the future, the Court urges counsel to
6 read correspondence from the Clerk.

7 Dated this 6th day of October, 2023.

8 
9

10 Honorable John H. Chun
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28